**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.31026 of 1997**

**Dated 24-04-2007**

Between:
M.Grace Vimala & another.

**..... PETITIONERS**

AND

The State of A.P. rep. By its Secretary to Govt. Education Dept. Secretariat, Hyderabad & others.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.31026 of 1997**

**O R D E R:**

The relief sought for in this writ petition is for a direction to the respondents to forthwith release grant-in-aid, for payment of salaries and allowances to the petitioners from 01-03-1986 to 31-10-1989, as the posts held by them in Prema Aided High School, Visakhapatnam were admitted to grant-in-aid with effect from 01-09-1985 onwards.

Sri Abinand Kumar Shavili, learned counsel for the petitioners, would submit that the subject matter of this writ petition is squarely covered by the judgment of the Supreme Court in **Government of A.P. v G.V.K.Girls High School**[1] and an order of this Court in **Siriki Suri Babu v. State of A.P.** (judgment in W.P.No.11176 of 1994, dated 29-04-2004).

On 23-04-2007, when the matter was listed, learned Government Pleader sought time to verify whether the writ petition was, in fact, covered by the judgment of the Supreme Court in **G.V.K.Girls High School**[1] and the order of this Court in **Siriki Suri Babu** (judgment in W.P.No.11176 of 1994, dated 29-04-2004) and as such, the matter was directed to be listed today. Today, the learned Government Pleader seeks a week's time to file counter. Since the writ petition relates to the year 1997, and a decade has elapsed since then, I see no reason to grant further time to the respondents to file their counter affidavit.

In **G.V.K.Girls High School**[1]**,** the Government of A.P. had

carried the matter in appeal to the Supreme Court. The learned Single Judge of this Court, in W.P.No.15879 of 1990 filed seeking release of the arrears of grant-in-aid for the period from 01-09-1985 to 31-10-1989 for the Head Mistress and from 01-03-1986 to 31-10-1989 for the staff, had directed arrears of grant-in-aid to be paid. Thereafter, Act 34 of 1995 was passed and the Division Bench held that once the rights of the respondent for release of grant-in-aid got crystallized by way of a judgment, the Legislature could not have set aside the judgment by passing a law and, therefore, notwithstanding the new law, the State was bound to honour the judgment of the learned Single Judge. In appeal, the Supreme Court held that if any Government order had conferred any right to the institutions enumerated in G.O.Ms.No.326, dated 17-10-1989 read with G.O.Ms.No.178 dated 23-07-1990, it was only those rights that were intended to be removed retrospectively, that the legislature, while enacting Section 2 of Act 34/95 had failed to remove the rights conferred by the Principal Act 1/82 and that Act 34/95 being retrospective only from 17-10-1989, it did not go beyond that date into the back years.

Following the said judgment, the learned Single Judge of this Court, by order in W.P.No.11176 of 1994 dated 29-04-2004, had directed the respondents to release grant-in-aid for payment of salaries and allowances to the petitioners as claimed by them, if not already released, within a period of three months from the date of receipt of a copy of the order.

Emphasis is placed by Sri Abinand Kumar Shavili, learned counsel for the petitioner, on this direction of the learned Single Judge to contend that a similar direction be issued in the present writ petition also. While the learned Single Judge had held that the issue in W.P.No.11176 of 1994 was squarely covered by the ratio laid

down by the Supreme Court in **G.V.K.Girls High School**[1], the direction to forthwith release grant-in-aid for payment of salaries would amount to issuing a mandamus to the Government for release of financial assistance at the behest of teachers working in aided schools. I am, therefore, of the view that ends of justice would be met if the respondents were directed to consider the case of the petitioners for release of grant-in-aid, towards payment of salaries and allowances for the period from 01-03-1986 to 31-10-1989, in the light of the judgment of the Supreme Court in **G.V.K.Girls High School**[1] and the order of this Court in **Siriki Suri Babu** (judgment in W.P.No.11176 of 1994, dated 29-04-2004) and pass appropriate orders, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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24-04-2007

usd

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[1] 2000(5) Supreme 467